

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT

AT ROANOKE, VA

*RECD 10/6/2011*

OCT 06 2011

JULIA C. DUDLEY, CLERK  
BY: *J. C. Dudley*

DEPUTY CLERK

United States of America

v.

Emmanuel M. Denikos

Date of Previous Judgment: 01/07/2010  
(Use Date of Last Amended Judgment if Applicable)

)  
 ) Case No: 5:09cr00025-2  
 ) USM No: 42102-083  
 ) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_  
 Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_  
 Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.  
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
 Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

Defendant is ineligible for a reduction because his total offense level and resulting custody range were produced by the career offender guideline, which is unaffected by Amendment 750 (parts A and C) of the United States Sentencing Guidelines.

Except as provided above, all provisions of the judgment dated 01/07/2010 shall remain in effect.

**IT IS SO ORDERED.**Order Date: 10/06/2011*[Signature]*  
Judge's signatureEffective Date: 10/06/2011  
(if different from order date)

Samuel G. Wilson, United States District Judge

Printed name and title